

ORDINANCE NO. G-09-01-22-852

AN ORDINANCE AMENDING CHAPTER 11, SECTIONS 11.402, 11.412, 11.413, 11.414, 11.415.2, 11.423, AND 11.802 CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, TO AMEND PERMITTED USES, TO AMEND THE DEFINITIONS OF "HAZARDOUS MATERIAL" AND "LIGHT INDUSTRIAL SERVICE, MANUFACTURING AND ASSEMBLY", AND TO ADD THE DEFINITION OF "RESEARCH AND DEVELOPMENT"; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

I.

That Chapter 11, Section 11.402, Subsection (4)(a), Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

11.402 DISTRICT SUMMARIES

(4) Prohibited Uses

(a) Uses Not Permitted

The following uses shall not be permitted, as determined by the Zoning Administrator, Building Official or Fire Marshall:

- (i) Uses which constitute a hazard, danger or nuisance to the public because of noise, odor, glare, particulate matter, traffic impediments or similar reasons;
- (ii) Uses which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illnesses; and
- (iii) Uses which involve hazardous materials, as defined in Section 11.802 and by the National Fire Protection Association Guide or any successor publication thereto officially used by the Building Official or Fire Marshall.

II.

That Chapter 11, Section 11.412, Subsection (2)(b), Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

11.412 BP (BUSINESS PARK) DISTRICT

(2) Permitted Uses

(b) The following uses are permitted with conditions:

Use	Special Standard
Amenity Center	11.423(1)(c)
Commercial Parking	11.423(6)
Eating Establishments	11.423(9)(b)
Research and Development	11.423(20.2)
Retail Sales and Service	11.423(21)(c)
Self-Enclosed Monopole	11.423(31)
Utilities, Minor	11.423(27)(a)
Utilities, Intermediate	11.423(27)(b)
Vehicle Sales, Rental or Leasing Facilities	11.423(29)
Wireless Transmission Facilities, Stealth	11.423(31)
Wireless Transmission Facilities, Attached	11.423(31)

III.

That Chapter 11, Section 11.413, Subsection (2)(b), Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

11.413 LI (LIGHT INDUSTRIAL) DISTRICT

(2) Permitted Uses

(b) The following uses are permitted with conditions:

Use	Special Standard
Carwash	11.423(5)
Monopole	11.423(31)
Research and Development	11.423(20.2)
Self-Enclosed Monopole	11.423(31)
Self-Service Storage	11.423(23)
Utilities, Minor	11.423(27)(a)
Utilities, Intermediate	11.423(27)(b)
Utilities, Major	11.423(27)(b)
Vehicle Repair Facilities and Body Shops	11.423(28)
Waste-Related Services	11.423(30)
Wireless Transmission Facilities, Stealth	11.423(31)
Wireless Transmission Facilities, Attached	11.423(31)

IV.

That Chapter 11, Section 11.414, Subsection (2)(b), Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

11.414 I (INDUSTRIAL) DISTRICT

(2) Permitted Uses

(b) The following uses are permitted with conditions:

Use	Special Standard
Carwash	11.423(5)
Monopole	11.423(31)
Research and Development	11.423(20.2)
Self-Enclosed Monopole	11.423(31)
Self-Service Storage	11.423(23)
Utilities, Minor	11.423(27)(a)
Utilities, Intermediate	11.423(27)(b)
Utilities, Major	11.423(27)(b)
Vehicle Repair Facilities and Body Shops	11.423(28)
Wireless Transmission Facilities, Attached	11.423(31)
Wireless Transmission Facilities, Stealth	11.423(31)

V.

That Chapter 11, Section 11.415.2, Subsection (2)(a), Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

11.415.2 PF-3 (PUBLIC FACILITIES - HIGH INTENSITY) DISTRICT

(2) Permitted Uses

(a) The following uses are permitted by right:

Use
Cemeteries, Mausoleums, Columbaria, Memorial Parks
Community Service
Day Care
Governmental Facilities
Hospitals
Office, Public
Office, Medical
Parks, Community
Parks, Linear /Linkages
Parks, Neighborhood
Place of Worship
Research and Development

VI.

Chapter 11, Section 11.423, Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended to add subsection (20.2) to read as follows:

11.423 SUPPLEMENTARY USE STANDARDS

(20.2) Research and Development

No facilities for overnight stays by human test subjects shall be provided, nor shall such overnight stays be permitted.

VII.

That Chapter 11, Section 11.802, Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended to amend the definition of "Hazardous Material" to read as follows:

11.802 DEFINITIONS

Term	Definition
Hazardous material	Any substance or combination of substances that, because of its quantity, concentration, or physical, chemical or infectious characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. The term includes, but is not limited to, explosives and blasting agents, compressed gasses, flammable and combustible fuels and combustible liquids, flammable solids, organic peroxides, oxidizers, pyrophoric materials, unstable (reactive) materials, water-reactive solids and liquids, cryogenic fluids, highly toxic and toxic materials, radioactive materials, corrosives, carcinogens, irritants, sensitizers, biological agents and other health hazards.

VIII.

That Chapter 11, Section 11.802, Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended to amend the definition of "Light industrial service, manufacturing and assembly" to read as follows:

11.802 DEFINITIONS

Term	Definition
Light industrial service, manufacturing and assembly	Firms engaged in the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, products, or by-products mainly by providing centralized services for separate retail outlets. Includes contractors and building maintenance services and similar uses that perform services off-site. Few customers, especially the general public, come to the site. Typical uses include Welding, machine, and tool repair shops; Repair of scientific or professional instruments; Building, heating, plumbing, or electrical contractors; Printing, publishing, and lithography; Exterminators; Janitorial and building maintenance services; Laundry, dry-cleaning, and carpet cleaning plants; Photo-finishing laboratories; Maintenance facilities; Contractors and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site; Vehicle and equipment maintenance facilities; Fuel oil distributors; Production or fabrication of metals or metal products including enameling and galvanizing; Large-scale catering establishments; Woodworking, including cabinet makers and furniture manufacturing; Clothing or textile manufacturing; Movie production facilities; Manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items, and other electrical items; Production of artwork and toys; and Sign making.

IX.

That Chapter 11, Section 11.802, Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended to add the definition of "Research and Development" to read as follows:

11.802 DEFINITIONS

Term	Definition
Research and Development	A business that engages in research and/or development of innovative ideas and products. The business may include testing laboratories for product development, including the construction and testing of prototypes. Typical uses include biotechnology, pharmaceuticals, medical instrumentation or supplies, communications and information technology, electronics and instrumentation and computer hardware and software. Allowed uses do not include the mass manufacture, fabrication, processing or on-site retail sale of products. Research involving the use of animals or human cadavers is not permitted unless conducted wholly within a building.

X.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Alternative 1.


By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on first reading this 22nd day of January, 2009.

Alternative 2.

READ and APPROVED on first reading this the ____ day of _____, 2009.

READ, APPROVED and ADOPTED on second reading this the ____ day of _____, 2009.



ALAN MCGRAW, Mayor
City of Round Rock, Texas

ATTEST:



SARA L. WHITE, City Secretary

DATE: January 15, 2009

SUBJECT: City Council Meeting – January 22, 2009

ITEM: 8B2. Consider an ordinance amending Chapter 11, Round Rock Code of Ordinances, to establish a definition for “Research and Development” and to identify the zoning districts in which the use will be allowed; and to amend the definition of “Hazardous Material” and “Light Industrial Service, Manufacturing and Assembly.” (First Reading)

Department: Planning and Community Development

Staff Person: Jim Stendebach, Planning and Community Development Director

Justification:

The Zoning Ordinance currently provides no definition for the Research and Development land use and it is therefore not clear what specific uses are appropriate. With the increased development of hospitals and medical facilities, the City has received inquiries about specific types of research and development facilities. The proposed amendments provide an appropriate definition for Research and Development and establish it as a use by right in the PF-3 (Public Facilities – High Intensity) district and as a use permitted with the condition that there be no overnight stays by human test subjects in the BP (Business Park), LI (Light Industrial) and I (Industrial) districts.

Funding:

Cost: N/A

Source of funds: N/A

Outside Resources: N/A

Background Information:

The Planning and Zoning Commission unanimously recommended approval of the proposed amendments at their December 17, 2008 meeting.

Public Comment:

Public notice was posted and a public hearing was held in accordance with the City of Round Rock’s Zoning Ordinance at the Planning and Zoning Commission meeting on December 17, 2008.